

COMBINED DECLARATION AND POWER OF ATTORNEY
IN ORIGINAL APPLICATION

COPY Case 28290

As a below named inventor, I hereby declare:

That, my residence, post office address and citizenship are as stated below next to my name;

That, I verily believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the invention entitled:

DETECTION OF NUCLEIC ACIDS BY TARGET-CATALYZED PRODUCT FORMATION

described and claimed in the attached specification, that I have reviewed and understand the contents of the attached specification, including the claims, that I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application in accordance with 37 CFR §1.56(a), and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows:

None

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

Theodore J. Leitereg, Registration No. 28,319
Shelley G. Precivale, Registration No. 31,411
John A. Dhuey, Registration No. 26,265
Alan M. Krubiner, Registration No. 26,289

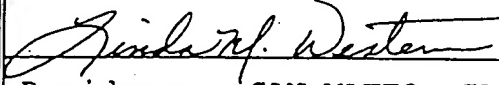
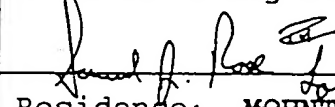
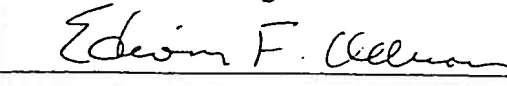
Address all telephone calls to Theodore J. Leitereg at telephone number (415) 852-1091.

Address all correspondence to Theodore J. Leitereg, Patent Department, Syntex (U.S.A.) Inc., 3401 Hillview Avenue, P.O. Box 10850, Palo Alto, California 94303.

COMBINED DECLARATION AND POWER OF ATTORNEY
IN ORIGINAL APPLICATION

Case 28290

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Full Name of first inventor	
LINDA M. WESTERN	
Inventor's Signature	Date
	Dec. 23, 1994
Residence: SAN MATEO, CALIFORNIA	
Citizenship: U.S.A.	
Post Office Address: PO Box 10050, Palo Alto, California 94303	
Full Name of second inventor	
SAMUEL J. ROSE	
Inventor's Signature	Date
 12/23/94	Dec. 23, 1994
Residence: MOUNTAIN VIEW, CALIFORNIA	
Citizenship: U.S.A.	
Post Office Address: PO Box 10050, Palo Alto, California 94303	
Full Name of third inventor	
EDWIN F. ULLMAN	
Inventor's Signature	Date
	Dec 23, 1994
Residence: ATHERTON, CALIFORNIA	
Citizenship: U.S.A.	
Post Office Address: PO Box 10050, Palo Alto, California 94303	

(Lahr)

No. of Entry	a) Company b) Location c) Scope of Business	Original Capital	Board Member Personally Liable	Partner Manag. Dir. Manager	Legal Status	(a) Day of Entry (b) Remarks
1	1	a) Behring Diagnostics GmbH b) Marburg c) The research, development, manufacture, and sales of diagnostic equipment, particularly diagnostic systems, domestically as well as in foreign countries. The firm can conduct all business transactions and take steps directly or indirectly related to the scope of the business. It can also enter into joint ventures with the same kind of or similar enterprises domestically or in foreign countries.	50,000 DM	Prof. Dr. Dr. Uwe Bicker Frankenstrasse 25 64625 Bensheim (Germany)	Firm with limited liability. Founding contract Sept. 9, 1996. The firm has one or several managing directors. If only one managing director, he represents the firm exclusively. If there are several managing directors, it is represented by two managing directors or by one managing director and an employee with power of attorney.	a) Oct. 24, 1996 (signature illegible) b) Founding Contract 81 7 ff Sb
2				Dr. Friedhelm Blobel Chemist 754 Eshbi Drive Palo Alto, CA 94301 USA Reiner Gleiss Salesman Limburg (Germany)	Dr. Friedhelm Blobel 754 Eshbi Drive, Palo Alto, CA 94301 USA and Reiner Gleiss, Limburg have been appointed managing directors.	a) Feb. 26, 1997 (signature illegible)
3					The address of the managing director is: 754 Ashby Drive, Palo Alto, CA 94301 USA	a) Mar 13, 1997 b) Corrected entry

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(a) Day of Entry	and Signature (b) Remarks
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Original
Capital

a) Company:

b) Location

c) Scope of

Business

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Manager,

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Susan Jane Andrews,
Rad Soden; Stefan
Renk, Lahntal-Sterz-
hausen; Nolfgang
Schneider, Steffen-
berg; Gunther Veith,
Marburg have been
given power of attor-
ney; each of them
represents the firm
along with another
person having power
of attorney or with
a managing director.

Dr. Heribert Bug, Niederweimar has been given power of attorney. He represents the firm along with another person having power of attorney or with a managing director.

Dieter Brosch, Ildstein/
Kroftel has been
given power of at-
torney. He represents
the firm along with
another person having
power of attorney or
with a managing di-
rector.

owner of attorney
for Susan Jane An-
drews, Bad Soden,
and Gunther Veith.
Marburg has expired

Dipl.-Engineer Gunther
Heith Marburg

a) Dade Behring Marburg GmbH

Signature
illegible)

Signature
(illegible)

Signature
(illegible)

Signature
illegible)

(continued)

Prof. Dr. Ulve Ricker,
Dr. Friedhelm Blobel
and Reiner Gleiss are
no longer managing
directors.

continued)


(continued)

No. of Entry	a) Company location b) Scope of Business	Original Capital	Board Member Personally Liable	Partner Managing Dir. Manager	Legal Status	(a) Day of Entry and Signature (b) Remarks
1	Business 2	3		5	6	7
7	(continued)					Decision 81. 100ff Sb.
			Dr. Friedhelm Blo- bel, Chemist, 754 Ashby Drive, Palo Alto, CA 94301 USA has been given power of attorney. He re- presents the firm along with another employee having power of attorney or with a managing director		Dipl-Engineer Gunther Veith, Marburg, is managing director; he always represents the firm by himself. At the partners' meeting of January 21, 1998, the found- ing contract was re- written and the firm and scope of business were changed. The appointment of Marc C. Casper, salesman, to managing director on Nov. 13, 1997 has been revoked as of Jan. 21, 1998.	
8			Nelson J. Chai Salesman 500 Douglas Drive Lake Forest, IL 60045			Nelson J. Chai, Sales- man, 500 Douglas Dr. a) Mar 17. Lake Forest, IL 60045 1998 has been appointed managing director. He represents the firm along with a managing director or another employee having power of attorney. (signature illegible)
			(Rubber Seal) Lowest Court Marburg		(Rubber Stamp) It is emphasized that the underlined entries on this photocopy have been eliminated.	COPIED (Rubber Stamp) (signature illegi- ble) This copy represents the entries in the official register. Additional official entries regarding the subject do not exist Marburg, March 20, 1998.

Nr. der Ein- tra- gung	a) Firma b) Sitz c) Gegenstand des Unternehmens	Grund- oder Stammkapital DM	Vorstand Persönlich haltende Geschäftsführer Abwickler	Prokura	Rechtsverhältnisse	a) Tag der Eintragung und Unterschrift b) Bemerkungen
1	2	3	4	5	6	7
1	<p>a) Behring Diagnostics GmbH</p> <p>b) Marburg</p> <p>c) Die Erforschung, Entwicklung, Herstellung und der Vertrieb von diagnostischen Erzeugnissen, insbesondere auch Diagnostica-Systemen, im In- und Ausland.</p> <p>Die Gesellschaft kann alle Geschäfte vornehmen und alle Maßnahmen ergreifen, die mit dem Gegenstand des Unternehmens unmittelbar oder mittelbar zusammenhängen. Sie kann auch Beteiligungen an gleichartigen oder ähnlichen Unternehmen im In- und Ausland übernehmen.</p>	50.000,--DM	<p>Prof. Dr. Dr. Uwe Bicker, Frankenstraße 25, 64625 Bensheim</p>		<p>Gesellschaft mit beschränkter Haftung. Gesellschaftsvertrag vom 23.9.1996. Die Gesellschaft hat einen oder mehrere Geschäftsführer. Ist nur ein Geschäftsführer bestellt, vertritt dieser die Gesellschaft allein.</p> <p>Sind mehrere Geschäftsführer bestellt, wird die Gesellschaft durch zwei Geschäftsführer oder durch einen Geschäftsführer und einen Prokuristen vertreten.</p>	<p>a) 24. Okt. 1996</p> <p>1-9-1</p> <p>b) Gesellschaft. Vertrag 81. 7 ff Sb</p>
2			<p>Dr. Friedhelm Blobel, Chemiker, 754 Eshbi-Drive, Paltoal, CA 94301, USA.</p> <p>Reiner Gleiss, Kaufmann, Limburg</p>		<p>Dr. Friedhelm Blobel, 754 Eshbi-Drive, Paltoal, CA 94301, USA und Reiner Gleiss, Limburg, sind zu Geschäftsführern bestellt.</p>	<p>a) 26. Feb. 1997</p> <p>1-9-4</p>
3					<p>Die Anschrift des Geschäftsführers Dr. Friedhelm Blobel lautet: 754 Ashby Drive Palo Alto, CA 94301, USA.</p>	<p>a) 13. März 1997</p> <p>1-9-1</p> <p>b) Berichtigend vermerkt</p>

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Nr. der Ein- tra- gung	a) Firma b) Sitz c) Gegenstand des Unternehmens	Grund- oder Stammkapital	Vorstand Persönlich haftende Gesellschafter Abwickler	Prokura	Rechtsverhältnisse	a) Tag der Eintragung und Unterschrift b) Bemerkungen
1	2	3	4	5	6	7
4				Susan Jane Andrews, Bad Soden, Stefan Renk, Lehntel-Sterzhausen, Wolfgang Schneider, Steffenberg und Günther Veith, Marburg ist Prokura erteilt; jeder von ihnen vertritt die Gesellschaft mit einem Geschäftsführer oder mit einem weiteren Prokuristen.		a) 7. April 1997 1-9-1
5				Dr. Haribert Bug, Niederweimar ist Prokura erteilt; er vertritt die Gesell- schaft mit einem Ge- schäftsführer oder mit einem weiteren Proku- risten.		a) 7. April 1997 1-9-
6				Dieter Brosch, Idstein/Kröftel, ist Prokura erteilt, er vertritt die Gesell- schaft mit einem Ge- schäftsführer oder mit einem weiteren Proku- risten.		a) 19. Jan. 1998 1-9-
7	a) Dade Behring Marburg GmbH c) Die Gesellschaft ist berechtigt, alle Hand- lungen vorzunehmen und alle geschäftlichen Maßnahmen zu ergreifen, die zur Erfüllung des Gesellschaftszwecks notwendig oder nützlich erscheinen.		Dipl. Ing. Günther Veith, Marburg	Die Prokuren für Susan Jane Andrews, Bad Soden und Günther Veith, Marburg sind erloschen. Dr. Friedhelm Blobel, Chemiker, 754 Ashby Drive, 94301 Palo Alto, Kal./USA ist Gesamtpro- kurist; er vertritt die Gesellschaft gemeinsam mit einem Geschäftsfüh- rer oder einem weiteren Prokuristen.	Prof. Dr. Uwe Bicker, Dr. Friedhelm Blobel und Reiner Gleiss sind nicht mehr Geschäftsführer. Dipl.-Ing. Günther Veith, Marburg, ist Geschäftsführer; er vertritt die Ge- sellschaft stets alleine. Die Gesellschafterversammlung vom 21. Januar 1998 hat den Geschäfts- vertrag insgesamt neu gefaßt und u.a. die Firma und den Gegenstand geändert. Die am 13.11.1997 erfolgte Bestellung des Marc N. Casper, Kaufmann, zum Geschäftsführer ist am 21.1.1998 auf- gehoben worden.	a) 17. Feb. 1998 1-9- b) Beschl. 81. 100 ff Sb.

Nr. der Eintragung	a) Firma b) Sitz c) Gegenstand des Unternehmens	Grund- oder Stammkapital DM	Vorstand Persönlich haftende Gesellschafter Abwickler	Prokura	Rechtsverhältnisse	a) Tag der Eintragung und Unterschrift b) Bemerkungen
1	2	3	4	5	6	7
8			Nelson J. Chai, Kaufmann, 500 Douglas Drive, Lake Forest, IL 60045		Nelson J. Chai, Kaufmann, 500 Douglas Drive, Lake Forest, IL 60045, ist zum Geschäftsführer bestellt. Er vertritt gemeinschaftlich mit einem Geschäftsführer oder Prokuristen. Ist er alleiniger Geschäftsführer, vertritt er alleine.	e) 17. März 1998 <i>[Signature]</i>
					Es wird ausdrücklich darauf hingewiesen, daß die unterzeichneten Teile der Eintragung in dieser Fotokopie gelöscht sind	
					Vorstandende Abschrift stimmt mit den Registereintragungen überein. Weitere den Gegenstand betreffende gültige Eintragungen sind nicht vorhanden. Marburg (Lahn) den 20. März 1998 Geschäftsstelle des Amtsgerichts <i>[Signature]</i>	

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Fortsetzung Rückseite

RECORDATION FORM COVER SHEET
PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

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To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Behring Diagnostics GmbH

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☐ Assignment ☐ Merger
☐ Security Agreement ☒ Change of Name
☐ Other _____

Execution Date: **February 17, 1998**

2. Name and address of receiving party(ies)

Name: **Dade Behring Marburg GmbH**

Internal Address: **Legal Dept., Patents**

Street Address: **Emil-von Behringstrasse 76**

City: **Marburg** Country: **Germany** ZIP: **35001**

Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

08/363,169 09/608,721

B. Patent No.(s)

5,792,614 6,110,677 6,121,001

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: **Dade Behring Inc**

Internal Address: **Legal Dept., Patents**

Street Address: **1717 Deerfield Rd.**

City: **Deerfield** State: **IL** ZIP: **60015-0778**

6. Total number of applications and patents involved: **5**

7. Total fee (37 CFR 3.41) **\$ 200.00**

- ☐ Enclosed
☒ Authorized to be charged

8. Deposit account number:

04-0010

(Attach duplicate copy of this page if paying by deposit account)

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Louise S. Pearson

Name of Person Signing

Louise S. Pearson
Signature

10 October, 2001
Date

Total number of pages including cover sheet, attachments, and document: ☐

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Western, et al.

Serial No.: 09/608,721

Filed: June 30, 2000

Title: Detection of Nucleic Acids by Target
Catalyzed Product Formation

Atty Docket: BEH-7270 Ct

)
) Group Art Unit: 1656
)
)
)
) Examiner: J. Riley
)
)
)

The Commissioner of Patents
and Trademarks
Washington, D.C. 20231

COPY

ASSOCIATE POWER OF ATTORNEY

Sir:

I hereby appoint all of the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith as associate attorneys in the above-identified case.

Customer Number: 020306
Principal attorney or agent: Patrick G. Gattari
Telephone number: 312-913-0001

Respectfully submitted,

Lois K. Ruszala

Lois K. Ruszala
Registration No. 39,074
Attorney for Applicant

DADE BEHRING INC.
1717 Deerfield Rd., Box 778
Deerfield, IL 60015-0778
847-267-5364

CERTIFICATE OF MAILING

I hereby certify that this document is being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on this 21ST day of JUNE, 2001.

Bah M. Gattari
(name)